



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3012321, 3012322, 3012323, and 3012324

Applicant Name: Terry Beals for Sound Transit

Address of Proposal: 4300 Brooklyn Ave NE (3012321, Site A)
4301 Brooklyn Ave NE (3012322, Site B)
4245 Brooklyn Ave NE (3012323, Site C)
4244 – 12th Ave NE (3012324, Site D)

SUMMARY OF PROPOSED ACTION

MUP No. 3012321 - Land Use Application to allow a temporary staging area for light rail transit facility (Sound Transit). Review includes demolition of existing bank and office structures (35,438 sq. ft.) and 144,000 cu. yds. of grading.

MUP No. 3012322 - Land Use Application to allow a temporary staging area for light rail transit facility (Sound Transit). Review includes demolition of existing parking lot (8,800 sq. ft.).

MUP No. 3012323 - Land Use Application to allow a temporary staging area for light rail transit facility (Sound Transit). Existing dwelling unit and detached garage to be demolished.

MUP No. 3012324 - Land Use Application to allow a temporary staging area for light rail transit facility (Sound Transit). Review includes demolition of existing parking lot (8,240 sq. ft.).

Final Environmental Impact Statement (dated November 1999) and the North Link Final Supplemental EIS (dated April 2006) prepared by Sound Transit. This analysis and decision covers all four related applications.

The following approvals are required:

Temporary Use Permit - to support construction of a light rail transit facility pursuant to SMC 23.42.040.F

SEPA – for conditioning only pursuant to SMC 25.05.660

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS*

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

* Final Environmental Impact Statement (FEIS) issued by Central Puget Sound Regional Transit Authority in November of 1999. North Link Final Supplemental Environmental Impact (SEIS) Statement issued April 2006.

BACKGROUND DATA

Site Location, Zoning and Existing Conditions

The project site is located in the University District in the area of Brooklyn Ave. NE, NE 45th St. and NE 43rd St. Because the project site crosses city rights-of-way, it has been identified as four separate sites for addressing purposes. The four sites are identified as Site A, Site B, Site C and Site D, as depicted on the map, below.



There are a total of five separate tax parcels within the U District Station site area (formally known as the Brooklyn Station site). Brooklyn Avenue NE, NE 43rd Street and the alley between Brooklyn Avenue NE and 12th Avenue NE, south of NE 43rd Street, divide the project site area into four separate sites, as shown on the map above. These include:

- “Site A” consisting of two parcels located on the east side of Brooklyn Avenue NE, north of NE 43rd Street and south of the Neptune Theatre;
- “Site B” consisting of one parcel located at the northwest corner of Brooklyn Avenue NE and NE 43rd Street;
- “Site C” consisting of one parcel located at the southwest corner of Brooklyn Avenue NE and NE 43rd Street; and,
- “Site D” consisting of one parcel located across the alley from Site C at the southeast corner of 12th Avenue NE and NE 43rd Street.

A brief description of each Site Area, including zoning designation and existing development, is provided in Table 1, below.

Table 1
Parcel Nos., Zoning and Existing Land Uses

| <i>Site Identification</i> | <i>King County Assessor #</i> | <i>Current Address</i> | <i>Zoning</i> | <i>Existing Use/Building to be demolished</i> |
|----------------------------|-------------------------------|--------------------------------------------------------------------|---------------|-------------------------------------------------------------------|
| Site A | 1142000185 | 4300 Brooklyn Avenue NE | NC-3 P 65 | Bank/office building, underground parking garage, surface parking |
| Site A | 1142000225 | 4328 Brooklyn Avenue NE | NC-3 P 65 | Office building, surface parking |
| Site B | 1142000300 | NW corner of Brooklyn Avenue NE/NE 43 rd Street | NC-3 85 | Surface parking |
| Site C | 1142000905 | SW corner of Brooklyn Avenue NE/NE 43 rd Street | NC-3 65 | Dwelling unit, surface parking, one-car garage |
| Site D | 1142001020 | SE corner of 12 th Avenue NE/NE 43 rd Street | NC-3 65 | Surface parking |

As shown in the table, all of the properties are located in the Neighborhood Commercial 3 zone. The properties are also located within the University District Urban Center Village and the NE 45th St. Station Area Overlay. None of the parcels include mapped or observed environmentally critical areas on the site.

Collectively, Sites A through D are described the ‘the project site.’”

Project Description

The activities addressed in this application include the demolition of all structures on the project site, excavation and grading for the station box, and the establishment of the temporary construction staging area for the future U District Station.

U District Station is one component of Sound Transit’s Northgate Link Extension Project (formally known as North Link). The first segment of North Link, University Link (U-Link), includes 3.15 miles of new light rail tunnel extending from the Pine Street Stub Tunnel (PSST) in downtown Seattle to the University of Washington (UW) campus, and is currently under construction. The Northgate Link Extension Project continues northward with 4.3 miles of new light rail track extending from the UW Station to Northgate. Northgate Link Extension includes three new light rail transit stations, one of which is the U District Station (the subject site of this application). Based on the 30% design plans, the U District Station will have two above ground entrances and a cut and cover configuration with a center platform approximately 380 feet long to accommodate four-car trains. Each train consists of up to four 95-foot long light rail vehicles. For additional information about Sound Transit and Northgate Link Extension please see the project file.

There are a total of four existing structures and four surface parking lots to be demolished within the project site. All of the existing structures and uses will be demolished to provide areas for contractor staging during construction of the facilities at the U District Station site.

Proposed Demolition

All structures and uses within the project site area described in Table 1 above will be demolished. A total of four structures will be demolished, including a bank/office with an underground parking garage (24,478 square feet); an office (10,960 square feet); one dwelling unit (2,736 square feet); and a detached one-car garage (280 square feet). The total floor area of the commercial buildings, including the basement parking garage, is approximately 35,438 square feet. A total of approximately 76 parking spaces in commercial lots will be demolished/removed. (For location and a list of buildings to be demolished, see drawing Nos. MUP 2-05 through MUP 2-07.) Demolition is anticipated to begin in early 2013. For additional information about project timing, please see *Project Phasing and Street Closures*, below.

The entire project site area is relatively flat. Most of the area is covered with impervious surfaces with relatively little vegetation. All existing vegetation within the parcels will be removed during the initial demolition phase. Existing street trees will remain during the initial demolition phase. However, during the excavation phase, 22 street trees adjacent to Site A on both sides of Brooklyn Avenue NE and on the north side of NE 43rd Street will be removed because they are located either directly over the station box or immediately adjacent to the excavation area. Sound Transit has determined that it would not be feasible or practical to retain and protect these street trees during construction. Existing street trees adjacent to Site Areas C and D, primarily along 12th Avenue NE and NE 43rd Street will remain and be protected throughout the construction period. One street tree adjacent to the southeast corner of Site C will be retained and protected. (See Drawing Nos. MUP 2-05 and MUP 2-06 for location of trees to be removed and protected. For a complete list of trees to be removed, see Drawing No. MUP 2-08).

Proposed Site Excavation for the Below-Ground Station

Excavation for the U District Station below-ground box will be approximately 95 feet deep (average) by 404 feet long and 88 feet wide. (For limits and depth of the station box excavation, see drawing Nos. MUP 2-09 and MUP 2-10.) The station box runs parallel to Brooklyn Avenue NE between NE 43rd Street and NE 45th Street, south of the Neptune Theatre. The station box lies beneath Site Area A. (See site plan, Drawing No. MUP 2-03.)

Current plans call for an excavation support system which can be partially incorporated into the final station structure. For support of excavation, soldier piles and lagging will be used to construct the east and west walls, and concrete soil mixing (CSM) will be used for the north and south walls.

It is currently estimated that a total of 144,000 cubic yards of material will be excavated from the Project site associated with the station box, structural support system and ancillary site grading.

Proposed Construction Staging Area

Sound Transit proposes to allow several construction contractors to utilize the four site areas for construction staging and support for site excavation, and construction of the underground transit station and above ground station entrances. One solid construction wall will enclose Sites A, B and C, including portions of Brooklyn Avenue NE and NE 43rd Street. Site D will be separately enclosed by a chain link fence. The alley between Sites C and D will not be enclosed and will remain open to the public during the project construction. (For location of proposed staging areas and solid construction walls, see Drawing No. MUP2-11(Rev).)

Site A will also be the area where the tunnel boring machines that are being launched from the Roosevelt Station site will be received and re-launched southbound towards the UW Station site. There will be no tunnel mucking at the U District Station site. Tunnel muck generated between the U District Station and UW Station will be transported within the tunnel by muck cars/trains back to the Roosevelt Station site for off-site disposal.

The total area of the four sites to be utilized for light rail construction staging is approximately 0.91 acres, not including right-of-way area, as follows:

| | | |
|-------------|---|----------------------------|
| Site Area A | - | 14,665 sq. ft. (.33 acres) |
| Site Area B | - | 8,800 sq. ft. (.20 acres) |
| Site Area C | - | 8,240 sq. ft. (.19 acres) |
| Site Area D | - | 8,240 sq. ft. (.19 acres) |

In addition to the five parcels that encompass the project site area, Brooklyn Avenue NE between NE 45th Street and just south of NE 43rd Street will be at least partially closed during the excavation of the station box and throughout the remainder of the construction of the station. For additional information about the timing and duration of street closures, please see *Project Phasing and Street Closures*, below.

Because the actual final layout of the staging area will be determined by the contractor as mobilization occurs, this application describes in general terms the kinds of construction related activities that can be expected at the site. Construction staging will be necessary over much of the total construction time of approximately eight years. Prior to commencement of any activity on the site, necessary construction related permits and approvals from appropriate permitting agencies will be obtained. Staging areas will be most intensely and actively used during the heavy civil construction phases for station box excavation.

Activities that can be expected to occur within the construction staging areas include, but are not limited to the following:

- Installation of solid construction walls, fencing, and security lighting,
- Removal of existing vegetation,
- Demolition of existing structures,
- Soil nailing retaining walls and basement walls,
- Grading and/or fill,
- Utility capping and relocations,
- Installation of gravel or paved surfaces,
- Collection, storage, treatment, and discharge of construction water and/or ground water,
- Delivery and storage of construction materials and equipment,
- Access, egress, and storage of various types and sizes of vehicles,
- Temporary construction contractor trailers/offices,
- Installation of soldier piles and CSM walls,
- Construction of concrete invert slabs and retaining walls,
- Arrival of tunnel boring machines (TMBs) from Roosevelt Station site, and re-launch to UW Station site
- Changes to site egress and ingress,
- Temporary street, sidewalk or lane closures,
- Truck wheel washing facilities,
- Grout plant to support tunneling operations,
- Conveyor systems for excavation spoils,
- Temporary storage areas for excavated soils,
- Removal of excavated site material,
- Construction of underground station,
- Construction of above ground station entrances, and
- Final site restoration and landscaping.

The following equipment is likely to be utilized at the site:

| | | | | |
|-------------------|-----------------|---------------|--------------|-------------|
| Excavators | cranes | backhoes | auger drills | hoppers |
| Front end loaders | dump trucks | pumps | fans | compressors |
| Pavement breaker | blowers mixers | storage bin | chute | batch plant |
| Concrete trucks | delivery trucks | concrete saws | mixers | |

All activities and equipment that generate noise are subject to the City of Seattle Noise Control Ordinance (SMC 25.08). Sound Transit's Contract Specifications will require the contractor to submit a Noise and Vibration Control and Monitoring Plan for review and approval to assure compliance with SMC 25.08 throughout the construction period. The contractor will be prohibited from blasting and pile driving. After the structures are demolished, a security fence will be installed around the perimeter of each of the four site areas. Subsequently, prior to commencement of station box excavation, solid construction screening walls as shown on Drawing No. MUP2-11 will replace the security fencing. A building permit will be required for construction of the solid construction screening walls.

The contractor will determine the most efficient layout for staging area access and will be responsible for obtaining approval for site access from SDOT (Seattle Department of Transportation). Truck access to the construction site is currently expected to be via NE 43rd. Outbound trucks are expected to use either Brooklyn Avenue NE or NE 43rd Street. (For proposed truck haul route plan, see Drawing No. MUP 2-14.) Providing temporary parking areas for construction workers is also the responsibility of the contractor. The contractor will be required to submit a Construction Worker Parking Plan to DPD for review and approval prior to commencement of construction.

Upon completion of the U District Station, the temporary construction area will be hydroseeded and landscaped after removal of the gravel accesses, solid construction screening wall, fencing, construction equipment, offices, and debris. A final restoration plan will be submitted to DPD for approval prior to completion of the station and after systems testing. The vacant land around the station (former construction area) will be available for transit-oriented development.

Project Phasing and Street Closures

The project phasing and proposed street closures have been modified since the original application (submitted July 20, 2011). In response to concerns regarding construction impacts expressed by nearby neighbors (primarily residents of the University Manor Apartments), the applicant reduced the length of proposed street closures and modified the proposed mitigation, as described below.

Demolition Phase

The demolition phase, including site preparation prior to demolition, removal of the four buildings described above, and site restoration following demolition, is expected to last approximately six (6) to seven (7) months, beginning in early 2013. During the demolition phase, the two existing travel lanes on NE 43rd Street and Brooklyn Avenue NE will remain open. The project site will be secured by a chain link fence around the perimeter of the lots where demolition is taking place. There will be no disruption or closure of the sidewalks abutting University Manor. All work will be done during daytime hours as defined by Seattle's Noise Control Code. Once the demolition contractor has completed the demolition work, the site will be turned over to a different contractor who will proceed with the work described below under four (4) sequential phases.

Based on the current schedule, the total estimated duration for the construction activities described in Phases 1 to 4 is approximately six and one-half (6.5) years. It's important to note that the durations described for each phase may overlap and are not cumulative.

Phase 1 - Site Preparation and Utility Revisions

Phase 1 will be approximately five (5) months in duration. During this time, pedestrian access will be maintained with a temporary three- to six-foot sidewalk on northern and western facades of University Manor. NE 43rd Street must be closed for public vehicular access in both directions in front of University Manor in order to allow for utility relocation and other site preparation work taking place in the adjacent rights-of-way. Generally only one lane of local access vehicle traffic (one-way northbound on Brooklyn Avenue NE to eastbound on NE 43rd Street) will remain open during this phase through the use of movable barriers and other temporary traffic control measures, as approved by SDOT. The utility relocation work performed under this phase must be done prior to shoring installation, station box excavation, and tunnel boring operations.

Phase 2 - Shoring Installation

Phase 2 will be approximately seven (7) months in duration to complete shoring installation work in front of University Manor. During this phase, NE 43rd Street will be closed to public vehicular access in both directions from the start of shoring installation near University Manor to the completion of a temporary access bridge in front of University Manor. During this time, pedestrian access will be maintained in front of University Manor at all times with a six- to eight-foot sidewalk. After completion of the temporary access bridge, one-way local vehicular access will be allowed on the temporary bridge for University Manor. At the completion of the temporary access bridge, a solid, 16-foot-high construction wall will be installed within the rights-of-way of NE 43rd Street and Brooklyn Avenue NE. This solid construction wall will be approximately 32 feet from the north frontage of University Manor and approximately 23 feet from the western frontage. Sound Transit will work with SDOT and University Manor to locate a loading area in the near proximity of NE 43rd St. and Brooklyn Ave NE to facilitate deliveries and tenant moves.

Phase 3 - Excavation and Build Out

Phase 3 will be approximately five and one-half (5.5) years. Phase 3 will include the station box excavation and tunnel boring operations for the running tunnels from the Roosevelt Station to the University of Washington Station. Phase 3 will also include the build-out of the underground station and two above-ground station entrances. In Phase 3, a six-foot-wide sidewalk will be provided on Brooklyn Avenue NE and NE 43rd Street, adjacent to University Manor. The solid 16-foot construction wall installed during Phase 2 will remain in place. The one-way general vehicle traffic lane on Brooklyn Avenue NE (northbound) and NE 43rd Street (eastbound) will remain in place throughout the entire Phase 3 period. See Drawing No. MUP2-11 (Rev). Space for vehicle loading in front of the apartment building is also accommodated in the revised proposal. Permit approval for the closed portions of the above-referenced streets is under SDOT's jurisdiction.

Phase 4 - Roadside Restoration

Phase 4 will be approximately four (4) months in duration. NE 43rd St and Brooklyn Avenue NE will be restored to their final configuration as required by SDOT in a Project Construction Permit (PCP). During this phase, the temporary decking over Brooklyn Avenue NE will be removed and replaced with the final roadway and sidewalks in front of University Manor. To complete this work, there will be no vehicular traffic on NE 43rd Street for approximately three (3) weeks. Pedestrian re-routing will also be necessary during sidewalk reconstruction.

The North Link SEIS identified several local and arterial streets that would be impacted for various lengths of time by the construction at the University District Station. The North Link SEIS specifically stated that there would be full, long-term closure of NE 43rd Street at Brooklyn Avenue NE. Sound Transit's revised proposal provides one-way traffic for a majority of the construction period. The North Link SEIS and the North Link ROD require all of Sound Transit's mitigation measures to comply with local regulations governing traffic control.

Traffic mitigation measures during construction are stated on pages C-6 and C-7 of the North Link ROD, which is attachment E of the MUP application. Those measures are also discussed in the SEPA Analysis, below.

Public Comments

The public comment period for Project Nos. 3012321, 3012322, 3012323, and 3012324 initially ended September 7, 2011. The project was re-noticed and the second comment period ended on October 19, 2011. The department received numerous written comments during the comment period.

ANALYSIS – TEMPORARY USE PERMIT

SMC 23.42.040.F states that “A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit subject to the requirements of this subsection ...”

- 1. The alignment, station locations, and maintenance base location of the light rail transit system must first be approved by the City Council by ordinance or resolution.*

On September 24, 2007, the Seattle City Council adopted Resolution No 30993, approving the alignment, station locations and maintenance base location for the Central Link project, including the U District Station. Also on September 24, 2007, the City Council passed Ordinance No. 122504 authorizing the Director of SDOT to execute an amendment to the “Agreement Between the City of Seattle and Sound Transit for Grant of Non-Exclusive Use of a Light Rail Transit Way as Related to the Central Link Light Rail Transit Project”. This Amended Agreement reflects the Council’s approval of the U District Station.

- 2. The temporary use or structure may be authorized for only so long as is necessary to support construction of the related light rail transit facility and must be terminated or removed when construction of the related light rail transit facility is completed or in accordance with the MUP.*

The proposed staging areas are necessary for the construction of the U District Station and station entrances, and will exist on the proposed sites until completion of the U District Station and station entrances, approximately eight years following demolition of the existing structures.

- 3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding uses and area, including but not limited to the following:*

This MUP application contains a plan showing the location of the construction staging areas and solid construction walls and fencing that will surround the project site areas (See Drawing No. MUP 2-11 (Rev)). The types of construction activities and equipment expected to be utilized at the site are described above. Although the contractor will determine the actual specific layout of the construction staging area, the types of construction activities and equipment are not expected to vary significantly from that described.

Surrounding land uses include a mixture of commercial and multifamily uses. Potential short term construction-related impacts and proposed mitigation measures specifically related to this project are

discussed in Section 4.17 (Construction Impacts) and 4.18.19 (Cumulative Construction Impacts) of the FSEIS. Per the Federal Transit Administration Record of Decision (ROD) for the North Link Light Rail Transit Project (June 2006), Sound Transit is committed to ongoing outreach and assistance, and coordination of contractor activities, to accommodate needs of people and businesses within the vicinity of the construction area.

- a. Noise and Grading and Drainage. Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Grading Code (Chapter 22.170) and the Stormwater Code (SMC Chapters 22.800 through 22.808).*

All daytime construction activities (7:00 a.m. to 10:00 p.m. on Mondays through Fridays, and 9:00 a.m. to 10:00 p.m. on weekends and legal holidays) are expected to comply with daytime sound level limits specified in Seattle's Noise Control Code, SMC 25.08. Sound Transit has requested a Major Public Project Construction (Noise) Variance (MPPCV: DPD project number 3013261) from DPD in order to allow certain work at the U District Station site between the hours of 10:00 p.m. and 7:00 a.m. and between 10:00 p.m. and 9:00 a.m. on weekends and legal holidays. The MPPCV is subject to review and approval by DPD of a Noise Management and Mitigation Plan (NMMP) prepared by Sound Transit and to be implemented by the contractor.

The North Link FEIS prepared for this project concluded that, with the implementation of noise mitigation, construction during the day would not exceed the noise levels in the Noise Control Code. The FEIS also disclosed the nighttime construction activities would take place at this site. A MPPCV will be required from DPD to allow nighttime construction activities. Noise mitigation measures include, but are not limited to, installation of a solid construction screening wall, restrictions on back-up truck alarms, use of low-noise emission equipment, and implementation of an NMMP.

With regard to drainage, the contractors will be required to comply with all applicable City requirements. The contractors will be required to comply with applicable Federal, State, and local laws, orders, and regulations concerning the prevention, control, and abatement of water pollution; and, the placement of temporary erosion control measures will comply with the standards adopted by the City of Seattle.

- b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.*

Lighting on the staging area will be shielded and directed away from adjoining properties. In addition, a solid construction screening wall to be installed around the perimeter of the site will provide shielding of light from the project at street grade level. The height of the wall will be determined as part of the MPPCV application process, referenced above.

- c. Best Management Practices. Construction activities on the site must comply with Volume 2 of the Stormwater Director's Rules, Construction Stormwater Control Technical Requirements Manual.*

Construction activities on the site shall comply with the current Director's Rule on best management practices.

- d. Parking and Traffic.*

- (1) Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and temporary construction-worker parking, including measures to reduce demand for parking by construction employees, must be included and must be appropriate to the temporary nature of the use.*

- (2) Temporary parking facilities provided for construction workers need not satisfy the parking requirements of the underlying zone or the parking space standards of SMC 23.54.030.*

The proposed truck haul routes from the U District Station construction staging areas provide access to the I-5 corridor via the NE 50th St. interchange. (See Drawing No. MUP 2-14.) Final haul routes will be developed by the contractor and are subject to review and approval by SDOT. The access and haul routes were chosen to result in minimal pedestrian/vehicle conflict, by using the most direct route to arterials.

Approximately 33 on-street parking spaces will be temporarily displaced during the construction period as part of the construction staging area. This reduction in parking should only have a minor impact to the neighborhood because some of these displaced parking areas serve the business and residential uses which will be demolished as part of the U District Station Project.

The contractor will be responsible for providing parking areas for construction workers as part of a Parking Construction Management Plan – see SEPA Parking analysis and related condition. There are several options available for the contractor to accomplish this: providing parking within limited areas of the construction staging area, establishing satellite parking lots and shuttling workers to the construction site, and encouraging and/or providing incentives to construction workers to utilize carpools, vanpools and public transportation that lessen the demand for vehicular parking.

- e. Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.*

Two businesses and four parking lot operators will be displaced. Sound Transit is assisting those displaced businesses pursuant to state and federal requirements. Pedestrian access to local businesses and residential buildings along Brooklyn Ave NE and NE 43rd St will be maintained throughout the construction period. This will be accomplished with signage and flaggers added as needed on a daily basis. Sound Transit will be available for direct contact with all local businesses at all times, will provide advance notice of construction activities, and will work with local businesses to modify measures to limit disruption as much as possible during construction.

- f. Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.*

One solid construction screening wall with gates for ingress/egress will be constructed around Sites A, B, and C. Site D will be enclosed with a separate chain link fence (See Drawing No. MUP2-11 (Rev)). The project site areas will be guarded twenty-four (24) hours a day. All visitors will be required to register at the construction field office. Access to the construction staging area will be strictly controlled.

- g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.*

Portions of two streets, Brooklyn Ave NE and NE 43rd St. will be at least partially closed to vehicles throughout some of the construction period. (For additional information about project timing, please see *Project Phasing and Street Closures*, above.) Pedestrian access to the buildings adjacent to the construction area will be provided. These closed rights-of-way lie directly over the cut and cover station box and therefore are needed for excavation as well as construction staging. Site entrances to the staging areas are proposed to be located to minimize conflict with pedestrian and vehicular traffic. Final review and approval of the ingress and egress to the site and the duration of the street closures will be made by SDOT.

The solid construction screening walls constructed around the perimeter of Site Areas A, B, and C (as shown on MUP2-11 (Rev)) should be adequate to screen construction activities, including storage areas, on the sites from surrounding streets and properties.

h. Public Information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a twenty-four (24) hour phone number to seek additional information or to report problems.

Sound Transit has already begun a multi-faceted community outreach program for the Northgate Link Extension Project. Prior to submitting this MUP application and over the past year, Sound Transit held a number of meetings ranging from community and stakeholder meetings to open houses regarding U District Station, including:

- June 2010: Northgate Link Extension final design kick-off public open house (for all of Northgate Link Extension, including Roosevelt Station), held at Roosevelt High School, approximately 180 people in attendance. (See Attachment H, a meeting announcement postcard sent to all addresses within a one-mile radius of the proposed Northgate Link Extension station sites, including Roosevelt Station.)
- Summer 2010 - Present: Sound Transit staffs the yearly University District Street Fair, a community event organized by the University District Chamber of Commerce
- November 2010: Sound Transit briefed the Roosevelt Neighborhood Alliance on the U District Station.
- January 2011: Sound Transit hosted an Update on the U District Station at the University Heights Community Center discussing the station design and construction plans
- February 2011: Briefed the Seattle Theater Group, Neptune Theatre and the UW Bookstore on the U District Station project
- March 2011: Sound Transit provided an update to the Roosevelt Neighborhood Alliance on the U District Station.
- April 2011: Presentation to the Greater U District Chamber of Commerce
- June 2011: Sound Transit hosted an open house at the Hotel Deca regarding the 30% station design, station artwork and the construction plans, approximately 120 people in attendance.
- February 2012: Hosted the U District Station Meet the Artist event where we discussed the project and gave the opportunity for the community to meet the station artists.
- May 2012: Sound Transit hosted a construction open house for the U District Station to discuss construction plans, schedule and station naming
- May 2012: Sound Transit hosted the 60% Station Design Open House meeting to discuss the station design, station art and station naming
- June 2012: Staffed an informational booth at the UW Tower on the construction impacts and station design of the U District Station
- September 2012: Staffed an informational booth at the Up Your Ave event providing information on the U District Station project
- November 2012: Brief the Seattle Theater Group on the construction impacts during each phase of construction
- November 2012: Briefed the UW's Community/University Community Advisory Committee (CUCAC) on the U District Station project (construction and station design)
- November 2012: Briefed the U District Chamber of Commerce on the U District Station project (construction and station design)

In November 2010, Sound Transit began a regular Northgate Link Extension e-newsletter, which is distributed to about 1500 people who have subscribed to email updates. Also, the Sound Transit website

provides updated information on the project. A station fact sheet is distributed at public events and made available on the Sound Transit website.

Sound Transit staff has also met one-on-one with stakeholders including the Neptune Theater, University District Chamber of Commerce, University of Washington, University Heights Community Center and University Bookstore, and representatives of the University Manor apartment building near the station site.

Public outreach and meetings with the Brooklyn community and stakeholders will continue through design and construction. Sound Transit operates and maintains a 24-hour construction hotline phone number that will be implemented throughout the duration of the construction period.

i. Weather. Temporary structures must be constructed to withstand inclement weather conditions.

Temporary construction management trailers are built to State of Washington Building Code standards, and are constructed to withstand inclement weather. Building permits will be obtained by the contractor prior to their siting and placement, and the trailers will be anchored to an approved temporary foundation.

j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.

Vibration impacts during construction were evaluated in the FSEIS (Section 4.17). The FEIS discloses that there would be vibration from some construction activities at the site, but that it is unlikely that any structural damage to adjacent or nearby properties would occur. During high vibration-producing activities such as shoring installation, there is a potential for settlement and small movements of nearby structures. Design of suitable shoring systems will reduce the potential of settlement related damage. Pre-construction condition surveys will be completed and during-construction monitoring programs will be implemented to ensure that vibration impacts are adequately minimized and mitigated.

4. Site Restoration.

- a. The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.*
- b. The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.*
- c. Site restoration must generally be accomplished within one hundred eighty (180) days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.*

Sound Transit has provided a written agreement to provide a restoration plan to the Director for review and approval, and will restore the site within 180 days after completion of systems testing.

- d. The Director will approve plans for site restoration in accordance with mitigation plans authorized under this section.*

The applicant proposes to submit a final site restoration plan to DPD for review and approval, and will restore the site within 180 days after completion of systems testing. Site restoration is anticipated to be removal of all structures, equipment, refuse, fencing, and lighting. Sites will be leveled if necessary to assure proper site drainage, and landscaped and hydroseeded to establish ground cover until redevelopment occurs.

5. *A Master Use Permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the Master Use Permit application.*

Sound Transit has obtained sufficient funding to complete the work required to construct the Northgate Link Extension Project. See Attachment “B”, Financial Capacity Statement (in project file).

DECISION - TEMPORARY USE PERMIT

The proposal is **APPROVED**.

ANALYSIS – SEPA

Sound Transit issued a Final EIS in November of 1999 and the North Link Final Supplemental Environmental Impact Statement in April 2006. Sound Transit has lead agency status on this project, and the Director hereby incorporates by reference its November 1999 FEIS and the April 2006 North Link FSEIS. The information in the EIS documents, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the City with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"[W]here City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

The Director hereby incorporates by reference the mitigation measures described in the Federal Transit Administration Record of Decision (ROD) for the North Link Light Rail Transit Project (June 2006) and mitigation measures included in Attachment C of the ROD. These mitigation commitments were identified in the North Link Final Supplemental EIS. A summary of these mitigation measures is in the project file (Attachment E). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) additional mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short - Term Impacts

The following temporary or construction-related impacts are expected:

- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.
- Increased dust caused by demolition and excavation activities and potential soil erosion and disturbance to subsurface soils during grading, excavation, and general site work;
- Increased traffic and demand for parking from demolition and excavation equipment and personnel;
- Conflicts with normal pedestrian and vehicular movement adjacent to the site;
- Increased noise and vibration;
- Tree removal;
- Consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. No permit process exists to ensure that PSCAA has been notified of the proposed building demolition and that asbestos, if any, has been removed from the site. Therefore, a condition should be added requiring the applicant to submit to DPD a copy of the PSCAA demolition permit prior to issuance of the construction permit. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F. Compliance with PSCAA regulations would mitigate the potential adverse short term impacts to air from demolition activities.

The indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. Therefore, additional air quality mitigation is not necessary.

Construction Impacts

No significant vibration impacts are anticipated to result from the demolition and excavation area. The FEIS discloses that there would be vibration from some construction activities at the site, but that it is unlikely that any structural damage to adjacent or nearby properties would occur. During high vibration-producing activities, such as shoring installation, there is a potential for settlement and minor movements of nearby structures. Designs of suitable shoring systems will reduce the potential of settlement related damage. Pre-construction condition surveys will be completed and during construction monitoring programs will be implemented to ensure that vibration impacts are adequately minimized and mitigated.

Drainage and Earth

Any additional information that is required to verify conformance with applicable ordinances and codes (The Seattle Grading Code) would be required prior to issuance of any required demolition, grading or building permits.

The Grading Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves grading of more than 100 cubic yards of material, and the applicant has prepared a geotechnical report for the site. The Grading Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Tree Removal

Drawing No. MUP 2-08 indicates the number and location of trees within the project site area that will be removed, including those that are six inches or greater in diameter. None of these are classified as “exceptional” trees per DPD Director’s Rule 16-2008. There are a total of 13 trees within the parcels of land comprising the four project Site Areas that will be removed during the building demolition phase. There are 22 street trees immediately abutting Sites A and B that will remain during the demolition phase but will be removed during the major site excavation for the station box. All of the trees within the project site area, including the street trees, are proposed for removal because their retention would interfere with efficient construction staging operations. There are 14 street trees adjacent to Sites C and D that will remain and be protected during the entire project construction. The street trees to be protected are shown on Drawing No. MUP 2-06.

Traffic and Parking

Construction traffic may increase congestion in the area. To mitigate the impacts of construction traffic, the applicant has proposed a truck haul route for disposal of excavated soils and other construction debris from the site to Interstate-5. A final truck haul route will be reviewed, finalized and approved by the Seattle Department of Transportation.

The rights-of-way closures that will occur during construction will temporarily displace on-street parking spaces to accommodate the construction staging area. Additionally, one of the properties being acquired by Sound Transit contains a parking lot with parking accessory to a commercial use. Demolition of commercial and residential structures that currently are generating parking activity at these sites will reduce the current parking demand.

The rights-of-way closures described above will displace a total of approximately 33 on-street parking spaces during the construction period following demolition. The determination to allow the displacement and/or replacement of the on-street parking will be addressed as part of a Street Use Permit to be reviewed and issued by SDOT.

Discussion of construction worker parking impacts is on page 4-183 of the FSEIS. Regarding project-wide mitigation for traffic impacts due to construction of light rail, the Record of Decision, on page C-15 states: "Provide construction workers designated parking on- or off site as practical, to minimize neighborhood parking impacts. Contractor parking could also be accomplished through satellite parking with a shuttle bus and/or parking management systems." Sound Transit is not proposing to provide parking for construction workers; the contractor is expected to locate and secure temporary parking areas for construction workers during construction. In the application materials, it states that Sound Transit staff will assist the contractor in locating available parking areas "to the extent feasible". In order to ensure that the construction worker parking is addressed, the contractor will be required to develop and submit a Construction Parking Management Plan to DPD for review and approval, as a condition of MUP approval.

Conflicts with normal pedestrian and vehicular movement adjacent to the site are anticipated. In the original application for this project, Sound Transit proposed to close NE 43rd Street and Brooklyn Avenue NE (adjacent to University Manor) to vehicular traffic throughout the duration of the construction project, after site demolition, for approximately six (6) years. Under the original proposal, there would be limited vehicular access to University Manor, however, pedestrian access to University Manor and other properties along NE 43rd Street and Brooklyn Avenue NE would have been provided at all times. Sound Transit has revised the original proposal, as reflected in the revised plan submitted September 20, 2012, to adjust the schedule to minimize as much as possible the required closures of Brooklyn Avenue NE and NE 43rd Street. As described in the *Project Phasing and Street Closures* discussion, above, the revised proposal reduces the closure of Brooklyn Avenue NE and NE 43rd Street to vehicles from about six (6) years to approximately (7) months. The construction wall which was

originally to be located within ten feet of the north and west walls of University Manor for the duration of the project will now be at least 32 feet from the north wall of University Manor and at least 23 feet from the west wall, allowing a single lane of traffic northbound on Brooklyn Avenue NE and eastbound on NE 43rd Street, as well as full pedestrian access for most of the duration of the project. Vehicular access will be restricted and University Manor will be limited to pedestrians-only access for approximately the first five months of the project, as compared to the entire project duration as initially proposed. Emergency access will be in the alley adjacent to University Manor during the entire course of the project. Sound Transit has agreed to work with SDOT to locate and obtain a permit for a vehicle loading zone in the area of NE 43rd St. and Brooklyn Ave. NE to facilitate deliveries and tenant moves. This will be made a condition of MUP approval.

No further conditioning is warranted to mitigate short-term traffic or parking impacts.

Noise

Demolition and other construction activities will generate short-term noise. The applicant is seeking a Major Public Project Construction (Noise) Variance (MPPCV, DPD project number 3013261) from DPD for work to occur during nighttime construction activities (between 10 PM and 7 AM and/or on weekends). The MPPCV requires that Sound Transit and its contractor comply with the City's noise control ordinance (SMC Chapter 25.08). Noise mitigation measures may include, but are not limited to, installation of noise barrier walls, restrictions on back-up truck alarms, use of low-noise emission equipment and implementation of a noise control and mitigation plan. As part of the MPPCV, Sound Transit's Community Outreach Program will develop a Citizen Involvement and Public Complaint Resolution plan that requires Sound Transit to work with its contractor, in advance of construction, to plan the construction work in a manner that minimizes potential noise impacts on the neighbors and to keep the adjacent communities informed throughout construction. The outreach will include updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour construction hotline will be established, and a record will be kept of all noise complaints. When a complaint is received, Sound Transit will use every reasonable effort to resolve it to the satisfaction of the complainant.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the project's energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Long-term or use-related impacts anticipated from the proposal include:

- Impact on the existing and/or anticipated commercial and residential uses in the vicinity of the project; and
- Loss of existing structures greater than 50 years old.
-

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Seattle Stormwater Code requires on-site collection of stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. However, due to the nature of the proposal, some of the potential impacts warrant further analysis.

Land Use

The temporary staging area uses would displace local businesses and residential units. However, the applicant has worked with the local business community and residents to relocate those displaced. In addition, the applicant anticipates that the U District Station would attract economic development to the immediate vicinity in the future. No additional mitigation is warranted pursuant to SEPA policy.

Historic Preservation

None of the nine structures to be demolished are designated as Seattle Landmarks. One of the structures, "The Felch House", located at 4245 Brooklyn Ave NE, was considered for designation by Seattle's Landmarks Preservation Board. On December 12, 2011, the Board denied the designation based on a finding that this property did not meet any of the designation standards of SMC 25.12. There are two other structures that meet the age requirement for consideration as landmarks designation. These are:

- The office building at 4328 Brooklyn Ave NE,
- The accessory detached garage at 4245 Brooklyn Ave NE.

According to information in the project file, Sound Transit staff has discussed these two structures with the Department of Neighborhoods and have determined that both clearly do not meet the landmark designation criteria. Additional information, including Historic Preservation Inventory forms, are available in the project file.

Therefore, no mitigation is warranted pursuant to SEPA policy.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is **CONDITIONALLY APPROVED**.

CONDITIONS – SEPA

The owner(s) and/or responsible party(s) shall:

Prior to Building Permit Issuance (including demolition permits)

1. Submit to DPD a copy of the PSCAA demolition permit.
2. The demolition contractor shall develop and submit a Construction Parking Management Plan to DPD for review and approval.
3. Sound Transit will provide documentation from SDOT that they are seeking to obtain a permit for a Loading Zone in the near proximity of NE 43rd St. and NE and Brooklyn Ave NE.

Signature: _____ (signature on file) Date: November 29, 2012
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

MH:bg

Hurley/2012MUPs/3012321